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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-081

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In s. PI 3.13 (2) (a), the word “through” should be replaced by the word “to.” [See ss. 227.27 and 990.001 (14), Stats. See also s. PI 8.01 (2) (L) 7.]

b. In s. PI 3.35 (intro.), the phrase “all of” should be inserted before the phrase “the following.” Although most of the introductory material used in the rule implies that the requirements of all of the following subunits must be met, it is the best practice in the introductory material to indicate whether “all of” or at least “one of” the following subunits is required.

c. In the SECTION regarding initial applicability, the phrase “this rule” should be replaced by appropriate cross-references.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. PI 3.13 (4) (b), the phrase “the state of Wisconsin” should be replaced by the phrase “this state.”

b. In s. PI 3.38 (3) (b), to what part of the text does the term “modification” apply?

c. It is difficult to determine how the “general” requirements interact or relate to the “specific” requirements for certain areas. For example, are the requirements under “specific”

requirements for practicum experience in addition to any of those listed in “general” requirements? This relationship, to the extent it can be described, should be clarified.

d. Do the provisions in s. PI 3.13 (2), relating to two-year nonrenewable licenses preclude the issuance of provisional licenses for driver’s education instructors? Also, do the requirements in s. PI 3.13 apply to persons providing only “behind-the-wheel” instruction?

e. Throughout the rule, reference is made to “semester credits” but no definition is included in either ch. PI 3 or PI 4. The agency may wish to consider creating such a definition. Also, clarification could be provided regarding the ability of a person to obtain “semester credits” from an accredited technical college.

f. Throughout the rule, references are made to “requiring study” in the various categories and programs for preparation. Given the recent developments in teacher preparation, could these be modified to refer to performance or to “demonstrate competencies” in specified areas?

g. There is a lack of parallel requirements in the specific special education categories that should be reviewed. It may be helpful to draft the specific provisions in a more parallel fashion, particularly if there is some possibility of combining several categories into a more general category in the future. Also, several of the specific categories require study of the history of the particular category but not all categories require it.

h. In s. PI 4.61 (8) (b), it appears that the word “build” should be replaced by the word “builds.”

i. In s. PI 4.64 (13), it appears that the word “affects” should be replaced by the word “effects.”

j. In SECTION 18 of the rule, the citation of “s. PI 8.01 (2) (l) 7.” should be shown as “s. PI 8.01 (2) (L) 7.” Also, the agency should specify the authority for the adoption of the various requirements in the rule relating to the study of genocide, slavery and the holocaust.

k. The initial applicability provisions in the rule are somewhat confusing. A table in the analysis would be helpful in clarifying when the new requirements must be met. For example, for several licenses that have an effective date of July 1, 1997 (next month), the rule appears to require compliance with the new requirements. If this is the case, it would seem that such short notice could be problematic and inequitable. Further, the ch. PI 4 changes, by becoming effective as of July 1, 1997, leave no time to modify programs to comply with the new requirements. These dates should be carefully reviewed to assure they reflect the intended result.